

Serial No.: 10/777,390

REMARKS

Reconsideration and continuing examination of the above-identified application is respectfully requested in view of the amendments above and the discussion that follows.

Claim 1 has been amended and claim 5 cancelled. Claims 8-19 and 21-23 were said to be allowed, whereas claims 3 and 5-7 were objected to as depending from a rejected claim. Claims 1-3 and 6-23 are in the case and are before the Examiner.

I. The Amendments

Claim 1 has been amended pursuant to the Examiner's helpful suggestion in the Action by adding all of the limitations of claim 5 into claim 1.

It is thus seen that no new matter has been added.

II. The Action

A. Rejection Under 35 USC §102(e)

Claims 1, 2 and 20 were rejected as anticipated by the disclosures of US Patent No. 6,1431,195 to Price. Price taught treatment of pyrites to kill bacteria that cause the production of acid water from mines. It is believed that the amendments to claim 1 overcome that rejection and the pending claims are allowed or allowable on the record.

III. Summary

Claim 1 has been amended, and claim 5 canceled. The basis for rejection has been dealt with and overcome or otherwise made moot.

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It is therefore believed that this application is in condition for allowance of all of the pending claims. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this Reply and Amendment, in duplicate, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 30, 2006.



Edward P. Gamson